

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT

IN RE:	:	CHAPTER 13
SHERRY LYNNE GUTSHALL	:	
	:	
	:	
Debtor(s)	:	CASE NO. 1:12-bk-06956RNO
	:	
	:	
CHARLES J. DEHART, III	:	
CHAPTER 13 TRUSTEE	:	
Movant	:	
	:	
vs	:	
	:	
SHERRY LYNNE GUTSHALL	:	MOTION TO DISMISS
Respondent(s)	:	

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, comes Charles J. DeHart, III, Esquire, Standing Chapter 13 Trustee, through his attorney James Jones, Esquire and brings this Motion to Dismiss Case, a statement of which follows:

1. Debtor(s) filed the above case on December 05,2012
2. The plan obligates Debtor(s) to make monthly payments to the Trustee.
3. The Trustee filed Motions to Dismiss Case for Material Default due to non-payment of these monthly payments on the following dates: September 09, 2014, February 11, 2015, September 08, 2015, and February 03, 2016.
4. Debtor(s) cured each of these defaults prior to the scheduled hearing and therefore avoided entering into a stipulation to maintain timely payments.
5. Debtor(s) is currently two months in default with arrearages of \$600.00 through September 2016.
6. The non-payment of Debtor's plan obligation is
  - a. a material default with respect to the confirmed plan; and

- b. an unreasonable delay by Debtor that is prejudicial to creditors.
- 7. Dismissal of the case is in the best interest of the creditors and the estate.
- 8. Notice of conference, hearing and other instructions are included with this Motion.

WHEREFORE, the Standing Chapter 13 Trustee requests this Court to dismiss the above case.

Respectfully submitted,

Charles J. DeHart, III  
Standing Chapter 13 Trustee

/s/ James Jones  
James Jones, Esquire  
Attorney for Movant  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
717-566-6097  
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UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

SHERRY LYNNE GUTSHALL

:

:

CASE NO: 1-12-06956RNO

:

:

MOTION TO DISMISS

**NOTICE TO PARTIES IN INTEREST**

NOTICE IS HEREBY GIVEN THAT Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to make timely plan payments pursuant to the Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a CONFERENCE before the Trustee and a HEARING with the Court have been scheduled on this motion.

Any matters not resolved at the Trustee's Conference shall be heard at the dismissal hearing to be held as stated below:

CONFERENCE before Trustee:

November 02, 2016, at 9:00 a.m.

Dismissal Conference Room

Courtroom 2

Ronald Reagan Federal Bldg

3<sup>rd</sup> Floor, Third and Walnut Streets

Harrisburg, PA 17101

HEARING:

November 02, 2016, at 10:05 a.m.

Ronald Reagan Federal Bldg

Bankruptcy Courtroom

3<sup>rd</sup> Floor, 228 Walnut St

Harrisburg, PA 17101

YOU ARE FURTHER NOTICED that you MUST attend this conference or the dismissal hearing unless one of the following takes place on or before: **October 26, 2016.**

1. You have entered into a valid stipulation with Trustee DeHart and that stipulation has been filed with the U.S. Bankruptcy Court in Harrisburg, PA, on or before October 26, 2016.
2. You have filed a voluntary conversion to Chapter 7 or a voluntary dismissal with the U.S. Bankruptcy Court in Harrisburg, PA and have served a copy of that motion upon Trustee DeHart.

FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT IMMEDIATELY AFTER YOUR CONFERENCE WITH THE TRUSTEE AND MAY RESULT IN DISMISSAL OF YOUR CASE. PAYMENT IN FULL WILL NOT EXCUSE YOU FROM THE HEARING.

Any questions concerning plan arrearage should be directed to Trustee DeHart's office at (717)

566-6097, Monday - Friday, 9:00 a.m. to 4:00 p.m. Do not call the Bankruptcy Court, as the Court does not maintain records for debtor's payment status.

DATE: October 3, 2016

CHARLES J. DEHART, III, TRUSTEE

**CERTIFICATE OF SERVICE**

The Trustee, Charles J. DeHart, III, certifies that this NOTICE TO PARTIES IN INTEREST was served upon Debtor(s) and his/her counsel of record by depositing the same in the U.S. Mail, first class, postage prepaid on October 3, 2016, unless notified electronically.

SHERRY LYNNE GUTSHALL  
2309 DERRY STREET  
HARRISBURG, PA 17104  
(Debtors)

DOROTHY L MOTT LAW OFFICE, LLC  
D/B/A MOTT & GENDRON LAW  
125 STATE STREET  
HARRISBURG, PA 17101-  
(Attorney for Debtors)

RESPECTFULLY SUBMITTED,

/s/Liz Joyce  
Liz Joyce  
For Charles J. DeHart, III,  
Standing Chapter 13 Trustee

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Debtor(s)

Movant

VS.

Respondent(s)

CHAPTER 13

CASE NO: 1-12-BK-06956RNO

**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED.